

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PAUL J. McNALLY, as he is TRUSTEE,  
MASSACHUSETTS LABORERS' HEALTH AND  
WELFARE FUND and NEW ENGLAND LABORERS'  
TRAINING TRUST FUND; JAMES MERLONI, JR.,  
as he is TRUSTEE, MASSACHUSETTS LABORERS'  
PENSION FUND and MASSACHUSETTS LEGAL  
SERVICES FUND; MARTIN F. WALSH, as he is  
TRUSTEE, MASSACHUSETTS LABORERS'  
ANNUITY FUND,

Plaintiffs

vs.

BOSTON CHAIN LINK FENCE ERECTORS, INC., and  
its alter ego BOSTON FENCE & SUPPLY, INC.,

Defendants

and

BANK OF AMERICA,

Trustee

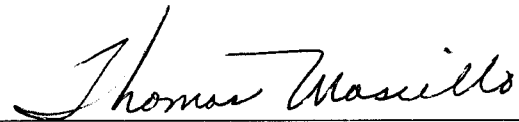
C.A. No. 05-10258 NG

**AFFIDAVIT OF THOMAS MASIELLO AS TO  
MILITARY SERVICE, INFANCY AND INCOMPETENCE**

1. My name is Thomas Masiello. I am the Administrator of the Massachusetts Laborers' Benefit Health and Welfare Fund.
2. I make this affidavit pursuant to the provisions of the Soldiers' and Sailors' Civil Relief Act.
3. I have caused careful investigation to be made to ascertain whether Boston Fence & Supply, Inc., the above-named defendant, is within the military service of the United States, or is an infant or incompetent person, and have concluded on the basis of such investigation that it is not.

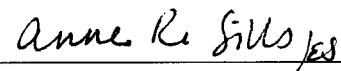
4. I have also caused careful investigation to be made to ascertain whether Boston Chain Link Fence Erectors, Inc. is an infant or incompetent person, and have concluded on the basis of such investigation that it is not.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 25 DAY OF AUGUST 2005.

  
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Thomas Masiello

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the above Affidavit has been served by certified and first class mail upon the defendant, Boston Fence & Supply, Inc., at 128 Newbury St., Peabody, MA 01960 this 13<sup>th</sup> day of ~~August~~ <sup>September</sup> 2005. *and Boston Chain Link Fence Erectors*

  
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Anne R. Sills, Esquire